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Technology Center 2100

In re Application of: Williams, et al.
Application No. 10/823,478
Filed: April 13, 2004
For: SYSTEMS, METHODS AND DEVICES
FOR A TELEMATICS WEB SERVICES
INTERFACE FEATURE

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed August 6, 2004, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed August 6, 2004 fails to adequately meet requirement (e) of the criteria set forth above. With respect to requirement (e), a complete detailed discussion of the (aforementioned most closely related) references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). For example, Petitioner should ensure that the above discussion is directed to how the language of *each of* the independent claims (i.e. claims 1, 14, 20, 21 & 22) is specifically distinguishable and patentable from the references provided in requirement (d) above. Reference is made to Petitioner's statement that the reference(s) do not disclose or suggest "a web services interface in communication with a secondary system, wherein the web services interface comprises at least one processor configured to retrieve, receive, analyze and transmit data ... , *wherein the processor is configured to process at least one servlet module stored ...*", wherein it is noted that a comparison of claim 1 for instance, does not include the above noted highlighted limitation as stated. In addition, claim 1 of the instant application requires that the at least one processor is "configured to *at least one of* retrieve, analyze and transmit data ..." which is broader than the stated claim limitations (noted above) in the instant petition, which further fails to provide the necessary accuracy and specificity required under 37 CFR 1.111 (b) and (c).

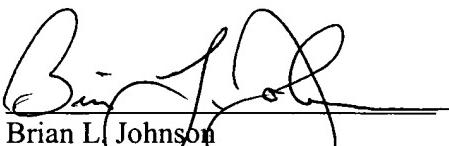
Applicant's petition fails to provide a "detailed discussion of the references" with the requisite particularity that illuminates the salient prior art issues relative to the claimed subject matter. Petitioner's cursory treatment of the references does not detail, with the particularity called for under section (e), the relevancy of the prior art pedagogy in order to sufficiently set forth a case distinguishing the limitations claimed to be patentable in relation to the given reference.

In the discussion of the four references cited to be the most closely related (in the instant application), Petitioner is required to point out (substantively detail) the prior art elements and associations germane to the claims to fully flesh-out the comparison between the referenced prior art and Applicant's claimed features. The petition must specifically show, for each independent-claim, specific language that distinguishes over each given reference in order to specify "how the claimed subject matter is patentable over the references."

Petition to Make Special DISMISSED.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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